

**CITY OF MILPITAS**  
**Summary of Contents**  
**Milpitas City Council Meeting**  
**February 18, 2003**  
**6:30 p.m. Closed Session**  
**7:30 p.m. Public Business**  
**455 E. Calaveras Boulevard**

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**I. ROLL CALL (6:30 p.m.)**

**II. ADJOURN TO CLOSED SESSION**

**1. CONFERENCE WITH LABOR NEGOTIATOR**

(Pursuant to Government Code Section 54957.6)

Agency Negotiator: Art Hartinger

Employee Organizations: MEA

**2. CONFERENCE WITH REAL PROPERTY NEGOTIATOR**

(Pursuant to Government Code Section 54956.8)

Property: APN Nos. 86-05-021, 86-05-009, and 86-11-013

Negotiating Party: Tom Wilson

Under Negotiation: Terms and Conditions for Acquisition/Lease of Property

**III. CLOSED SESSION ANNOUNCEMENTS:** Report on action taken in Closed Session, if required pursuant to Government Code Section 54957.1, including the vote or abstention of each member present

**IV. PLEDGE OF ALLEGIANCE (7:30 p.m.)**

**V. APPROVAL OF MINUTES:** February 4, 2003

**VI. SCHEDULE OF MEETINGS**

**VII. PRESENTATIONS**

**Certificate of Appointment:**

- Parveen Gupta as Alternate No. 1 on the Telecommunications Commission

**Proclamation:**

- Colorectal Cancer Awareness Month, March 2003

**Commendations for Contributions to Community**

Chen Lin; Jan Wen; Brenda Wong; Margaret Mai Yee Lai; Le Mong Bao; and Maria Nguyen;

Tzi Chi Foundation volunteers: Leon Liu; Jason Lin; A.T. Wee; Mei Li Wang; Huayen Wee; Ching Chih Lin; and Jin Yu Chang

**VIII. CITIZENS FORUM**

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Members of the audience are invited to address the Council on any subject not on tonight's agenda. Speakers must come to the podium, state their name and city of residence for the Clerk's record, and limit their remarks to under two minutes. As an unagendized item, no response is required from City staff or the Council and no action can be taken; however, the Council may instruct the City Manager to agendize the item for a future meeting.

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- IX. ANNOUNCEMENTS**
- X. APPROVAL OF AGENDA**
- XI. CONSENT CALENDAR (Items with Asterisks)**
- XII. PUBLIC HEARINGS (None)**
- XIII. JOINT REDEVELOPMENT AGENCY AND CITY COUNCIL MEETING**
- RA1. CALL TO ORDER BY THE MAYOR**
- RA2. ROLL CALL**
- RA3. APPROVAL OF MINUTES:** February 4, 2003
- RA4. APPROVAL OF AGENDA AND CONSENT CALENDAR (ITEMS WITH ASTERISKS)**
- RA5. Civic Center Update (Staff Contact: Greg Armendariz, 586-3220)**
- RA6. Approve Budget Appropriations and Transfers for FY 02-03 Mid-Year Budget Modifications and Discussion of 2002-2003 City Budget and Potential State Budget Impacts (Staff Contacts: Emma Karlen, 586-3145 and Thomas Wilson, 586-3050)**
- \*RA7. Approve Extension Of Arbitrage Rebate Consulting Services Agreement With Arbitrage Compliance Specialists, Inc.(Staff Contact: Emma Karlen, 586-3145)**
- RA8. AGENCY ADJOURNMENT**
- XIV. REPORTS OF OFFICERS AND BOARDS**
- City Council**
- 1. Discuss Potential Economic Development Initiatives: Mayor Esteves and City Manager Wilson**
- \*2. Approve Bicycle Transportation Advisory Committee Appointment: Mayor Esteves**
- 3. Child Safety Task Force Presentation: Vice Mayor Dixon**
- 4. Adopt Resolution in Support of Senate Constitutional Amendment No. 1 (SCA 1), Access to Government Information: Councilmember Livengood**
- XV. UNFINISHED BUSINESS (NONE)**
- XVI. NEW BUSINESS**
- \*5. Approve Two Youth Sports Assistance Fund Grant Requests (Staff Contact: Kerrilyn Ely, 586-3231)**
- \*6. Approve Encroachment Permit Agreement with Level 3 Communications, LLC (Project No. 3115) (Staff Contact: Robert Wang, 586-3327)**
- XVII. ORDINANCE (None)**
- XVIII. RESOLUTIONS**
- 7. Adopt Resolution to Conduct a Public Hearing on Joining a Bay Area Water Supply and Conservation Agency, and Appoint a Bay Area Regional Water System Financing Authority Representative (Staff Contact: Darryl Wong 586-3345)**
- \*8. Adopt Resolution Granting Initial Acceptance: Calaveras Road Slope Repair (Project No. 4029) (Staff Contact: Steve Erickson, 586-3317)**

- \*9. Adopt Resolution Granting Final Acceptance: Great Mall Parkway Landscaping Between I-880 and Abel Street (Project No. 4133) (Staff Contact: Steve Erickson, 586-3317)**
- \*10. Adopt Resolution Granting Final Acceptance: Sinclair Horizons, Tract No.: 9018 (Project No. 3033) (Staff Contact: Robert Wang, 586-3327)**
- \*11. Adopt Resolution Granting Final Acceptance: Mirabella Estates Tract 9061 (Project Number 3081) (Staff Contact: Gerry Krize 586-2884)**

**XIX. BIDS AND CONTRACTS**

- \*12. Approve Agreement between the City of Milpitas and Meyers Nave for labor relations/negotiations services related to memorandum of understanding between the City of Milpitas and MEA (Staff Contact: Steve Mattas, 586-3040)**
- \*13. Approve Contract Amendment with Robert A. Bothman, Inc. for ADA Sidewalk Ramps (Project No. 4184) (Staff Contact: Lou Zenzen, 586-3161)**
- \*14. Approve Change Orders: Silicon Valley Intelligent Transportation (Project No. 4219) (Staff Contact: Mike McNeely: 586-3301)**
- \*15. Approve Plans and Specifications: McCandless Drive Box Culvert Railing Repair (Project No. 4182) (Staff Contact: Steve Erickson, 586-3317)**
- \*16. Approve Plans and Specifications: Well Upgrade Project (Project No. 7076) (Staff Contact: Steve Erickson, 586-3317)**
- \*17. Authorize City Manager to Execute Contract with HOK Planning Group to Provide Design Review Services, for a Period of Three Years, for Proposed Developments in the Midtown Area and in Other Parts of the City, on an As-Needed Basis (Staff Contact: Tambri Heyden, 586-3280)**
- \*18. Authorize the Purchase of 14 Energy Conserving Flat Panel Monitors for City Hall (Project No. 8142) (Staff Contact: Terry Medina, 586-2703)**
- \*19. Award Bid for Network Security Upgrades and Enhancements (Project No. 8039) (Staff Contact: Lou Zenzen, 586-3161)**

**XX. CLAIMS AND DEMANDS**

- \*20. Approve Payment Requests: Miscellaneous Vendors/Contractors (Staff Contact: Lou Zenzen, 586-3161)**
- \*21. Approve Payroll Register (Staff Contact: Emma Karlen, 586-3145)**

**XXI. ADJOURNMENT**

**NEXT REGULARLY SCHEDULED COUNCIL MEETING  
TUESDAY, MARCH 4, 2003  
AT 7:30 P.M.**

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**XII. PUBLIC HEARINGS (None)**

**XIII. JOINT REDEVELOPMENT AGENCY AND CITY COUNCIL MEETING**

**RA1. CALL TO ORDER BY THE MAYOR**

**RA2. ROLL CALL**

**RA3. APPROVAL OF MINUTES: February 4, 2003**

**RA4. APPROVAL OF AGENDA AND CONSENT CALENDAR (ITEMS WITH ASTERISKS)**

**RA5. CIVIC CENTER UPDATE (STAFF CONTACT: GREG ARMENDARIZ, 586-3220)**

**BACKGROUND:** A progress report on the project closeout activities will be presented at the Council meeting by staff.

**RECOMMENDATION:.** Note, receipt and file project progress report.

**RA6. APPROVE BUDGET APPROPRIATIONS AND TRANSFERS FOR FY 02-03 MID-YEAR BUDGET MODIFICATIONS AND DISCUSSION OF 2002-2003 CITY BUDGET AND POTENTIAL STATE BUDGET IMPACTS (STAFF CONTACTS: EMMA KARLEN, 586-3145 AND THOMAS WILSON, 586-3050)**

**BACKGROUND:** Included in the Council's agenda packets are 9 Budget Change forms and back up memos from the departments to request mid-year budget modifications. There are sufficient funds available to fund these requests. The total amount of fiscal impact based on these modifications will be \$398,874. The amount affecting the General Fund will be positive \$517,481. Listed below the proposed mid-year budget modifications:

**Transfers Between Funds/Departments**

• RDA '97 TABS Escrow Account	0
• Misc. Storm Drain	0
• Jurgens Pump Stations	0
• Manor Pump Stations	0
• Hall Park	0
• Contingent Reserve	<u>200,000</u>
Total Budget Transfers Net Impact	200,000

**Appropriations**

• RDA consultant fees	\$ 40,000
• Retainers & Fees	200,000
• Tasman Extension Great Mall Parkway	325,000
• COPS in School Grant (COPS Fund)	108,000
• COPS in School Grant (General Fund)	(108,000)
• Local Law Enforcement Block Grant	<u>33,874</u>
Total Budget Appropriations	598,874

**Total Fiscal Impact** \$ 398,874

**RECOMMENDATION:** Approve the following mid-year budget transfers totaling \$200,000 and appropriations totaling \$598,874.

**\*RA7. APPROVE EXTENSION OF ARBITRAGE REBATE CONSULTING SERVICES AGREEMENT WITH ARBITRAGE COMPLIANCE SPECIALISTS, INC.(STAFF CONTACT: EMMA KARLEN, 586-3145)**

**BACKGROUND:** Federal tax laws require rebate of excess investment (arbitrage) earnings to the Internal Revenue Service on certain tax-exempt bonds issued after 1986. In order to comply with this requirement, the City engaged independent consultant to provide arbitrage rebate analysis services for various tax exempt bonds. In October 1998, staff selected Arbitrage Compliance Specialists, Inc. (ACS) through the Request for Proposal process to provide arbitrage rebate analysis services. The agreement was authorized by the City Council and the Milpitas Redevelopment Agency jointly. The scope of services included annual arbitrage rebate analysis of eleven tax exempt bonds issued by the Milpitas Redevelopment Agency and various Local Improvement Districts of the City of Milpitas for estimated fees not to exceed \$13,000 per year. This agreement expired in November 2002 unless otherwise extended. ACS has been performing the arbitrage rebate analysis services timely and efficiently. Staff recommends extending the agreement with ACS for an additional 3 years to November 15, 2005, for an amount not to exceed \$13,000 per year.

Sufficient funding has been allocated in the respective debt service funds for these services.

**RECOMMENDATION:** Extend the agreement with ACS to November 15, 2005, for an amount not to exceed \$13,000 per year, subject to approval as to form by the City Attorney.

**RA8. AGENCY ADJOURNMENT**

**XIV. REPORTS OF OFFICERS AND BOARDS**

**City Council**

**1. DISCUSS POTENTIAL ECONOMIC DEVELOPMENT INITIATIVES: MAYOR ESTEVES AND CITY MANAGER WILSON**

**BACKGROUND:** A report regarding potential Economic Development Initiatives will be presented at the Council meeting for discussion and direction.

**RECOMMENDATION:** Hear report and direct staff.

**\*2. APPROVE BICYCLE TRANSPORTATION ADVISORY COMMITTEE  
APPOINTMENT: MAYOR ESTEVES**

**BACKGROUND:** Mayor Esteves is recommending the appointment of Rene Briones to the Alternate No. 2 position on the Bicycle Transportation Advisory Committee.

Copies of all current applications for this commission are included in the Council's agenda packet.

**RECOMMENDATION:** Approve the Mayor's appointment of Rene Briones to the Alternate No. 2 position on the Bicycle Transportation Advisory Committee

**3. CHILD SAFETY TASK FORCE PRESENTATION: VICE MAYOR DIXON**

**BACKGROUND:** In 1998, the Police Department formed a Task Force composed of members of the Milpitas Unified School District and its Board, and the Milpitas City Government to include: the Vice Mayor, Assistant City Manager, and the City's Traffic Engineer.

The purpose of the Task Force was to develop programs and provide information to the Police Department, the School District, and the community that would help protect children from known sexual offenders.

Police staff will give a presentation of the function of the Child Safety Task Force.

**RECOMMENDATION:** Note receipt and file.

**4. ADOPT RESOLUTION IN SUPPORT OF SENATE CONSTITUTIONAL AMENDMENT NO. 1 (SCA 1), ACCESS TO GOVERNMENT INFORMATION: COUNCILMEMBER LIVENGOD**

**BACKGROUND:** Councilmember Livengood wishes to endorse SCA 1, a resolution proposing to the people of the State of California an amendment to the Constitution of the State, by amending Section 3 of Article I thereof, relating to access to government information.

Included in the Council's agenda packet are background information, a draft resolution in support, and form indicating support of this resolution.

**RECOMMENDATION:** Adopt resolution supporting Senate Constitutional Amendment No. 1, access to government information.

**XV. UNFINISHED BUSINESS (NONE)**

**XVI. NEW BUSINESS**

**\*5. APPROVE TWO YOUTH SPORTS ASSISTANCE FUND GRANT REQUESTS (STAFF CONTACT: KERRILYN ELY, 586-3231)**

**BACKGROUND:** On June 25, 2002, the Milpitas City Council approved and appropriated \$10,000 for the Youth Sports Assistance Fund for the 2002-2003 budget year. Included in the Council agenda packet for review and consideration of two (2) Youth Sports Assistance Fund applications.

Steven Ragsdale requesting \$245.00 to offset cost of competing in the National BMX Biking competition in Reno, Nevada on January 10 – 12, 2003.

Randy Zappia requesting \$280.00 to offset cost of competing in the National BMX Biking competition in Reno, Nevada on January 10 – 12, 2003.

This application falls within the grant guidelines. The Parks, Recreation and Cultural Resources Commission reviewed this grant on February 3, 2003 meeting and recommended approval to the City Council.

There is currently a balance of \$ 7,785.00 in the 2002-2003 Youth Sports Assistance Fund.

**RECOMMENDATION:** Approve the following grant as recommended by the Parks, Recreation and Cultural Resources Commission leaving a balance of \$7,170.00 for the remainder of the fiscal year.

**\*6. APPROVE ENCROACHMENT PERMIT AGREEMENT WITH LEVEL 3 COMMUNICATIONS, LLC (PROJECT NO. 3115) (STAFF CONTACT: ROBERT WANG, 586-3327)**

**BACKGROUND:** Level 3 Communications is regulated by the State Public Utilities Commission and is requesting an encroachment permit agreement to install fiber optic cable and conduits within the City's right-of-way. The proposed route is on South Abel Street from Carlo Street to Serra Way, easterly on Serra Way to South Main Street; southerly on South Main Street to Sinnott Lane; and easterly on Sinnott Lane to the railroad crossing connecting to its existing facilities.

**RECOMMENDATION:** Authorize the City Manager to execute Encroachment Permit Agreement, subject to the approval by the City Attorney as to form.

**XVII. ORDINANCE (NONE)**

**XVIII. RESOLUTIONS**

**7. ADOPT RESOLUTION TO CONDUCT A PUBLIC HEARING ON JOINING A BAY AREA WATER SUPPLY AND CONSERVATION AGENCY, AND APPOINT A BAY AREA REGIONAL WATER SYSTEM FINANCING AUTHORITY REPRESENTATIVE (STAFF CONTACT: DARRYL WONG 586-3345)**

**BACKGROUND:** As a result of State legislation, it is now possible for agencies which receive water from San Francisco, including Milpitas, to form a San Francisco water supply oversight agency and a San Francisco Water Financing Authority. These actions are needed to assure a reliable water supply.

**Bay Area Water Supply and Conservation Agency (BAWSCA).** AB 2058 authorizes establishing BAWSCA to plan and acquire supplemental regional water supplies, to encourage conservation and to assist in planning regional water facilities. The law allows each retailer receiving San Francisco Public Utility Commission (SFPUC) water to adopt a resolution fixing a time and place for a public hearing. Recently, the Alameda County Water District triggered the process by adopting a resolution. The hearing will determine whether to form and join BAWSCA. A resolution is proposed to schedule a public hearing at the April 1, 2003, City Council meeting.

**Bay Area Regional Water System Financing Authority (BAWSFA).** SB 1870 enables retail water agencies receiving SFPUC water to participate in an authority to secure funds for construction of SFPUC water system improvements. The law allows Milpitas City Council to appoint a representative to BAWSFA.

A memorandum with additional details on each of these requests may be found in the Council agenda packets.

**RECOMMENDATION:**

1. Adopt resolution fixing April 1, 2003, for a public hearing to form the Bay Area Water Supply and Conservation Agency.
2. Appoint representative to the Bay Area Regional Water System Financing Authority.

**\*8. ADOPT RESOLUTION GRANTING INITIAL ACCEPTANCE: CALAVERAS ROAD SLOPE REPAIR (PROJECT NO. 4029) (STAFF CONTACT: STEVE ERICKSON, 586-3317)**

**BACKGROUND:** This project constructed storm drainage improvements, roadway stabilization and slope stabilization improvements along Calaveras Road east of Piedmont Road. The project was awarded to Bugler construction on July 2, 2002. The project has now been completed by the contractor and the contractor's faithful performance bond may be reduced to \$54,859.17, which is 10% of the contract amount.

**RECOMMENDATION:** Adopt resolution granting initial acceptance subject to the usual one year warranty period and reduce the bond to \$54,859.17.

- \*9. ADOPT RESOLUTION GRANTING FINAL ACCEPTANCE: GREAT MALL PARKWAY LANDSCAPING BETWEEN I-880 AND ABEL STREET (PROJECT NO. 4133) (STAFF CONTACT: STEVE ERICKSON, 586-3317)**

**BACKGROUND:** Initial Acceptance of this project was approved by City Council on February 5, 2002. A final inspection has been made and the public improvements, consisting of landscaping along Great Mall Parkway between I-880 and Abel Street, are satisfactory. Therefore, a final acceptance may be granted and the contractor's bond may be released.

**RECOMMENDATION:** Adopt a resolution granting final acceptance and release the bond.

- \*10. ADOPT RESOLUTION GRANTING FINAL ACCEPTANCE: SINCLAIR HORIZONS, TRACT NO. 9018 (PROJECT NO. 3033) (STAFF CONTACT: ROBERT WANG, 586-3327)**

**BACKGROUND:** This project which was initially accepted on February 5, 2002, has passed the one-year warranty period. A final inspection has been made and the public improvements which include Sinclair Horizons Development are satisfactory. Therefore, a final acceptance may be granted and the developer's bond may be released.

**RECOMMENDATION:** Adopt resolution granting final acceptance and release of the bond

- \*11. ADOPT RESOLUTION GRANTING FINAL ACCEPTANCE: MIRABELLA ESTATES TRACT 9061 (PROJECT NUMBER 3081) (STAFF CONTACT: GERRY KRIZE 586-2884)**

**BACKGROUND:** The project which was initially accepted on February 5, 2002 has passed the one-year warranty period. A final inspection has been made and the public improvements, which include Calaveras Boulevard widening and underground utilities, are satisfactory. Therefore, a final acceptance may be granted and the developer's bond may be released.

**RECOMMENDATION:.** Adopt resolution granting final acceptance and release of the bond.

## **XIX. BIDS AND CONTRACTS**

- \*12. APPROVE AGREEMENT BETWEEN THE CITY OF MILPITAS AND MEYERS NAVE FOR LABOR RELATIONS/NEGOTIATIONS SERVICES RELATED TO MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MILPITAS AND MEA (STAFF CONTACT: STEVE MATTAS, 586-3040)**

**BACKGROUND:** The City has retained Art Hartinger and Eddie Kreisberg of Meyers Nave to serve as the lead labor negotiators for the City of Milpitas in the City's negotiations with MEA. Included in the Council's agenda packet is the agreement, which is a fixed price agreement of \$36,000, between Meyers Nave and the City for labor negotiation services specified within the agreement. The agreement amount is the same as prior labor negotiation agreements between the City and Meyers Nave. There are sufficient funds available within the City Attorney's Department budget for the costs of the contract.

**RECOMMENDATION:** Approve the agreement between the City of Milpitas and Meyers Nave for labor relations/negotiations services related to the MOU between the City of Milpitas and MEA.

- \*13. APPROVE CONTRACT AMENDMENT WITH ROBERT A. BOTHMAN, INC. FOR ADA SIDEWALK RAMPS (PROJECT NO. 4184) (STAFF CONTACT: LOU ZENZEN, 586-3161)**



**BACKGROUND:** The Engineering Division plans to install 29 additional ADA sidewalk ramps at various intersections. The Public Works Department has a current contract with Robert A. Bothman, Inc. to repair sidewalk, curb and gutter as well as to install ADA sidewalk ramps. Engineering Division is requesting approval to amend the contract with Robert A. Bothman, Inc. to allow for the additional work and to increase the contract by \$46,514.50 for these new ramps. There is sufficient funding available from Project No. 4184.

**RECOMMENDATION:** Approve amendment to the contract with Robert A Bothman, Inc., subject to approval as to form by the City Attorney, and authorize the expenditure in an amount not to exceed \$46,514.50 to be funded by Project No. 4184.

**\*14. APPROVE CHANGE ORDERS: SILICON VALLEY INTELLIGENT TRANSPORTATION (PROJECT NO. 4219) (STAFF CONTACT: MIKE MCNEELY: 586-3301)**

**BACKGROUND:** This project was awarded for construction by the City Council on August 20, 2002. The work includes installation of 13 miles of fiber optic cable, 21 Closed Circuit TV (CCTV) locations, and connecting Milpitas and Fremont Traffic Management Center's and BART to the existing network. This project is grant-funded and the cost associated with it is reimbursable by Caltrans. During construction it was discovered that much of the existing Signal Interconnect Cable (SIC) insulation had become hard and brittle and would break if it were to be removed. To install the new fiber optic cable, the project specification requires removal of all existing cables, conductors and SIC and reinstall them with the new fiber cable.

A change order is required for furnishing 60,000 lineal feet of new SIC or a duct to isolate the new fiber from the old SIC. To avoid project delay, the change order needs to be approved now before exact costs are known. The cost of the extra work performed by the City's contractor for storage handling, disposal and terminating the ends of the SIC or installing the divider duct is estimated not to exceed \$76,000.00. Sufficient funds are available in the project budget.

**RECOMMENDATION:** Authorize City Engineer to execute a change order in the amount not to exceed \$76,000.00 to VCI Telecom Inc.

**\*15. APPROVE PLANS AND SPECIFICATIONS: MCCANDLESS DRIVE BOX CULVERT RAILING REPAIR (PROJECT NO. 4182) (STAFF CONTACT: STEVE ERICKSON, 586-3317)**

**BACKGROUND:** Plans and specifications for the McCandless Drive Box Culvert Railing Repair project have been prepared. The work involves repair of damaged sections of the culvert headwall and railing, and reconstruction of portions of sidewalk across the box culvert at the East Penitencia Creek/McCandless Drive crossing. The estimated construction cost is \$40,000. There are sufficient funds in the Pavement Improvement Program (Project No. 4182) budget to fund the repairs.

A copy of the project title sheet showing the project site is included in the Council's agenda packets. Plans and specifications are available for review in the office of the City Engineer.

**RECOMMENDATION:**

1. Approve plans and specifications.
2. Authorize advertising for bid proposals.

**\*16. APPROVE PLANS AND SPECIFICATIONS: WELL UPGRADE PROJECT (PROJECT NO. 7076) (STAFF CONTACT: STEVE ERICKSON, 586-3317)**

**BACKGROUND:** The purpose of this project is to provide an additional emergency backup well to supply potable water to portions of the City in the event of an emergency. The project

includes a backup generator, instrumentation, chlorination system, and pump building. The project is located at the end of East Curtis Avenue within the future City Park constructed as part of the Park Metropolitan Development.

The project will also be constructed in phases. Phase I is proposed for construction this year, and includes drilling the well, constructing the well head, and testing. Phase II of the project includes building and mechanical equipment and is scheduled for construction in 2004. The estimated construction costs are approximately \$650,000 for Phase I and \$1.2 million for Phase II. Plans and specifications for Phase I of this project are ready for approval and advertisement of bid proposals. A copy of the plan title sheet is included in the Council's agenda packets. Complete plans and specifications are available for review in the office of the City Engineer.

**RECOMMENDATION:**

1. Approve plan and specifications.
2. Authorize advertising for bid proposals for construction.

**\*17. AUTHORIZE CITY MANAGER TO EXECUTE CONTRACT WITH HOK PLANNING GROUP TO PROVIDE DESIGN REVIEW SERVICES, FOR A PERIOD OF THREE YEARS, FOR PROPOSED DEVELOPMENTS IN THE MIDTOWN AREA AND IN OTHER PARTS OF THE CITY, ON AN AS-NEEDED BASIS (STAFF CONTACT: TAMBRI HEYDEN, 586-3280)**

**BACKGROUND:** Policy 7.3 of the Midtown Specific Plan requires proposed plans to “undergo a supplemental architectural review for new office and high-density residential and other appropriate development to ensure high-quality development.” It further stipulates that the applicant will bear the cost of such a review. This is a procedure that the City currently undertakes for significant new development proposals. Design review comments from the consultant are incorporated into application comments prepared by staff and forwarded to the applicant.

Due to the relatively small cost of this service, historically less than \$5,000, a consultant agreement has not existed for this service. Consultants have been retained on a project-by-project basis, based on availability. However, due to the projected development potential in the Midtown area and to ensure availability and achieve consistent applications of the Midtown Design Guidelines from project to project, staff released a Request for Qualifications (RFQ) to locate a firm able to provide the necessary design review services and meet these objectives.

An in-house staff team reviewed the submitted RFQs, selected the San Francisco-based firm of HOK and has drafted the contract included in the Council's back-up materials. The proposed contract provides for a preparation of a not-to-exceed fee, to be submitted by HOK after receipt of each development application and requires staff authorization of the fee prior to initiating review. All such design review costs are initially funded out of the Planning Division's contractual services account before being recovered from the applicant.

**RECOMMENDATION:** Authorize the City Manager to execute a contract with HOK Planning Group to provide supplemental design review services for proposed development within the Midtown Area and other developments in the City on an as-needed basis when authorized by the approved workplan submitted in Task One, Exhibit A of the attached draft contract.

**\*18. AUTHORIZE THE PURCHASE OF 14 ENERGY CONSERVING FLAT PANEL MONITORS FOR CITY HALL (PROJECT NO. 8142) (STAFF CONTACT: TERRY MEDINA, 586-2703)**

**BACKGROUND:** The new City Hall was completed and ready for occupancy on September 30, 2002. The new City Hall has been equipped with over 2 miles of conduit, over 260,000 ft. Voice/data cable and 3000 ft. of fiber optic cable. The City Hall conference rooms have been equipped a ceiling mounted projection system, electronic “Smart Board”, network attached PC & laptop connection, VCR with video switching, audio-conferencing and integrated A/V and

lighting controls. The Council Chambers has a rear mounted projection system, 6 pan/tilt/zoom cameras, integrated touch screen displays, laptop interface for podium, VCR, document camera and 35mm slide input device, 2- 40" display systems, integrated A/V and lighting control and assisted Listening System. The City Hall Security System provides video surveillance, digital recording of security cameras, WEB browser access to camera viewing and electronically controlled Card Key Access to the City Hall.

The City Hall is one of the most energy efficient and technology advanced buildings in the City of Milpitas. In fact it may be one of the most energy efficient and technologically advanced buildings in all of Santa Clara County. While the building is state of the art some of the equipment that was moved from the temporary City Hall to the new City Hall is outdated. Energy conservation and providing ergonomically equipped workstations for all staff is an on going effort. In order to improve the working conditions of some staff, increase energy conservation and continue to provide up to date ergonomically approved workstations it is necessary to replace some outdated computer monitors.

Information Services has received price quotations from 3 vendors for the replacement of 14 monitors located in the City Hall. The following is a summary of the vendors and their quotations.

Surah, Inc.	\$ 9,290.02
CDW Government Inc.	\$ 9,400.68
ActionInc.	\$ 9,532.50

Staff is requesting approval for the purchase of 14 flat panel monitors from Surah, Inc. in an amount not to exceed \$ 9,290.02. Funding for this purchase is available in the City Hall Technology Capital Improvement Project No. 8142. No additional funding is required for this request.

Approval of the purchase of 14 flat panel monitors will result in a reduction of energy consumption and an improvement to the ergonomic conditions of 14 staff members.

**RECOMMENDATION:** Authorize the purchase of 14 flat panel monitors from Surah, Inc. in an amount not to exceed \$9,290.02.

**\*19. AWARD BID FOR NETWORK SECURITY UPGRADES AND ENHANCEMENTS  
(PROJECT NO. 8039) (STAFF CONTACT: LOU ZENZEN, 586-3161)**

**BACKGROUND:** Staff issued a Request for Proposal for network security upgrades and enhancements. The work consists of the purchase of new network firewall security hardware and software, and software implementation to protect the City's computer data.

An RFP for these services was issued to 4 local network security firms on Purchasing's bidders list. Conferences and walkthroughs were conducted to familiarize the companies with the City's network layout. Three firms responded with proposals ranging from \$21,372 to \$35,064 for the purchase and implementation. A three-member evaluation committee reviewed the proposals for quality, responsiveness, demonstrated competence, professional qualifications, recent experience in similar services, approaches in completing the scope of work, references and cost. Frontline Network Consulting received highest overall ranking scores for the services from all three evaluators, primarily because of their technical superiority in addressing the City's overall needs of network security. SBC California submitted the lowest response but their proposal did not include equipment needed for wireless security. The amount needed for full security implementation would be \$5,650. References were checked and Frontline Network Consulting received high praise for the quality of work they are currently doing at other agencies and private companies.

Project funds in the amount of \$40,000 have been allocated in the Telecommunications Infrastructure project (Project No. 8039) budget for this purchase and implementation.

**RECOMMENDATION:** Authorize the City Manager to execute a contract with Frontline Network Consulting in an amount not to exceed \$35,064 for network security hardware and software implementation, subject to approval as to form by the City Attorney.

**XX. CLAIMS AND DEMANDS**

**\*20. APPROVE PAYMENT REQUESTS: MISCELLANEOUS VENDORS / CONTRACTORS (STAFF CONTACT: LOU ZENZEN, 586-3161)**

**BACKGROUND:** In accordance with direction given by City Council at its August 15, 1995, meeting, Purchasing has prepared the following list of purchasing requests over \$5,000.00 for approval:

1. \$7,800.00 to MRM Electrical Communications, Inc. for the emergency repair of underground conduit and repair of communication lines on Milpitas Blvd at Yosemite Ave for the Information Services Department. (Funds are available from the Telecommunications Infrastructure project [Project No. 8093] budget for this repair.)
2. \$8,000.00 to TecoGen for annual preventive maintenance service, conducted quarterly, of the co-generation system at the Sports Center for the Recreation Services Division. (Funds are available from the Recreation Services Division operating budget for this service.)

**RECOMMENDATION:** Approve the purchase requests.

**\*21. APPROVE PAYROLL REGISTER (STAFF CONTACT: EMMA KARLEN, 586-3145)**

**BACKGROUND:** The Payroll Register for the period ending January 25, 2003, in the amount of \$1,930,747.33 is submitted for approval.

**RECOMMENDATION:** Approve Payroll Register as submitted.

**NEXT REGULARLY SCHEDULED COUNCIL MEETING  
TUESDAY, MARCH 4, 2003  
AT 7:30 P.M.**